

Message Text

UNCLASSIFIED

PAGE 01 MEXICO 00416 01 OF 02 131934Z

44

ACTION INR-07

INFO OCT-01 ARA-10 ISO-00 INRE-00 SSO-00 SCSE-00 L-03

DHA-02 SCA-01 JUSE-00 /024 W
----- 078143

O 131849Z JAN 76 ZFF-4
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 2333

UNCLAS SECTION 1 OF 2 MEXICO 0416

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: PRISON REGULATIONS AND PRACTICES IN MEXICO

REF: SIMONSON-MCLENDON TELECON JANUARY 9

1. AS REQUESTED IN REF TELECON, COMMENTS ARE PROVIDED BELOW ON MEXICAN PRISON REGULATIONS AND ACTUAL PRACTICE IN PRISONS. ARTICLES OF LAW CITED ARE FROM THE REGLAMENTO DE LA PENITENCIARIA DE MEXICO (REGLAMENTO) AND THE LEY QUE ESTABLECE LAS NORMAS MINIMAS SOBRE READAPTACION SOCIAL DE SENTENCIADOS (NORMAS MINIMAS).

2. CELL AND FURNISHINGS: A. EACH NEW PRISONER TO BE SHOWN THAT WALLS, BED, WASHBASIN AND TOILET OF HIS CELL ARE CLEAN AND IN GOOD CONDITION; ANY DETERIORATION IS HIS RESPONSIBILITY. (REG. ART. 22) EACH PRISONER PROVIDED WITH A METAL DRINKING GLASS, WOODEN SPOON, AND BROOM TO CLEAN HIS CELL. (REG. ART. 23). PRISONERS MY USE MATTRESS, PILLOWS, SHEETS & BLANKETS, PROVIDED AT THEIR OWN EXPENSE. THOSE WHO HAVE NO MATTRESS ARE PROVIDED A SLEEPING MAT (PETATE) BY THE ADMINISTRATION. (REG. ART. 26). THE EXISTENCE OF DIFFERENT LEVELS OF PAVILLIONS OR SECTORS, DIVIDING INMATES ACCORDING TO THEIR ECONOMIC CAPACITY, ON PAYMENT OF A FIXED CHARGE, IS PROHIBITED. (NORMAS MINIMAS, ART. 13).

B. IN PRACTICE, NEW PRISONERS ARE FREQUENTLY
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MEXICO 00416 01 OF 02 131934Z

ASSIGNED TO SUB-STANDARD, DIRTY, OVERCROWDED CELLS

AND REQUIRED TO PAY BRIBES OR "RENT" TO MAYORES IN ORDER TO BE ASSIGNED TO DECENT CELLS. PRISONERS ARE REQUIRED TO BUY MATTRESS, BLANKETS AND BED LINEN, AS WELL AS VIRTUALLY ALL OTHER UTENSILS AND FURNISHINGS FOR CELL.

3. FOOD: A. ALL PRISONERS ARE TO BE FED THREE MEALS A DAY AT COST OF PENITENTIARY. FIRST MEAL: CORNMEAL GRUEL AND BREAD; SECOND MEAL: RICE, MEAT, BEANS, AND BREAD; THIRD MEAL: BEANS AND BREAD. (REG. ART. 34) WELL-BEHAVED PRISONERS MAY BE PERMITTED TO BUY SUPPLEMENTARY FOOD AT THEIR EXPENSE. (REG. ART. 38)

B. IN PRACTICE, MOST AMERICAN PRISONERS FIND THE STANDARD PRISON DIET INADEQUATE BOTH IN QUANTITY AND NUTRITION AND PURCHASE SUPPLEMENTARY FOOD WHENEVER POSSIBLE. EMBASSY IS TRYING TO PROVIDE VITAMINS. WHENEVER POSSIBLE, THROUGH DONATIONS.

4. CLOTHING: A. EACH PRISONER PROVIDES HIS OWN CLOTHING, USING WHATEVER HE HAS THAT IS SUITABLE. (REG. ART. 45) THOSE WHO DO NOT HAVE AT LEAST 2 SHIRTS, 2 PANTS, SHOES AND A BLANKET WILL BE PROVIDED THE MISSING ARTICLES BY THE ADMINISTRATION, THE COST TO BE REPAID FROM THE PRISONER'S RESERVE FUND (A FUND ACCUMULATED FROM PRISONER'S EARNINGS FROM ASSIGNED WORK). (REG. ART. 48).

B. IN PRACTICE, IT IS OFTEN DIFFICULT FOR A PRISONER TO OBTAIN CLOTHING FROM THE OUTSIDE WITHOUT PAYING A BRIBE TO A GUARD TO LET THE CLOTHING PASS.

5. MEDICAL CARE: A. ON ADMISSION TO PRISON, EACH PRISONER TO BE EXAMINED BY A PHYSICIAN TO DETERMINE VACCINATION REQUIRED, STATE OF HEALTH, AND TYPE OF WORK TO WHICH HE MAY BE ASSIGNED, (REG ART. 14) SICK PRISONERS WILL BE ATTENDED IN THE PRISON, AND ONLY IN EXCEPTIONAL CASES CAN BE TAKEN TO HOSPITALS. (REG ART. 106) PRISONERS WILL BE ATTENDED IN THEIR CELLS AND

UNCLASSIFIED

PAGE 03 MEXICO 00416 01 OF 02 131934Z

TAKEN TO PRISON INFIRMARY ONLY WHEN ABSOLUTELY NECESSARY. (REG. ART. 109) PRISONERS WHO CANNOT BE ATTENDED IN THEIR CELLS, NOR IN THE INFIRMARY BECAUSE OF LACK OF SPACE, WILL BE TAKEN TO THE HOSPITAL. PREFERENCES IN HOSPITALIZATION WILL BE GIVEN TO PRISONERS CONSIDERED LESS DANGEROUS BECAUSE OF LESS LENGTH OF TIME TO SERVE ON SENTENCES OR PATTERN OF PREVIOUS BEHAVIOR.

(REG. ART. 108).

B. IN PRACTICE, WHILE IN THE MORE MODERN PRISONS
INMATES RECEIVE FAIRLY ADEQUATE MEDICAL AND DENTAL
CARE, IN THE MAJORITY OF PRISONS ADEQUATE
FACILITIES DO NOT EXIST, AND THE PRISON BUDGET
IS NOT SUFFICIENT TO PAY FOR TREATMENT BY OUTSIDE
PHYSICIANS OR FOR HOSPITALIZATION. EVEN WHERE
EXISTING FACILITIES WITHIN PRISON ARE ADEQUATE,
IT MAY REQUIRE REPEATED INTERVENTION BY CONSULAR
OFFICER TO OBTAIN NECESSARY MEDICAL ATTENTION
OR MEDICATION, ESPECIALLY IN THE CASE OF DENTAL
CARE.

UNCLASSIFIED

NNN

UNCLASSIFIED

PAGE 01 MEXICO 00416 02 OF 02 131948Z

40

ACTION INR-07

INFO OCT-01 ARA-10 ISO-00 INRE-00 SSO-00 SCSE-00 L-03

DHA-02 SCA-01 JUSE-00 /024 W

----- 078341

O 131849Z JAN 76 ZFF-4

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2334

UNCLAS SECTION 2 OF 2 MEXICO 0416

6. COMMISSIONED WORK: A. EVERY PRISONER IS TO BE
ASSIGNED WORK; AGE, GENERAL HEALTH, PHYSICAL
CONSTITUTION, AND FORMER OCCUPATION ARE TAKEN
INTO ACCOUNT IN ASSIGNING WORK. (REG. ART. 52) ONLY THE
ILL AND THE TOTALLY HANDICAPPED WILL BE EXCEPTED
FROM WORK (REG. ART. 53) PHYSICAL VIOLENCE TO FORCE
A PRISONER TO WORK IS PROHIBITED; SOLITARY CONFINEMENT
MAY BE USED. (REG. ART. 54). BOTH THE REGLAMENTION (ART. 57)
AND THE NORMAS MINIMAS (ART. 10) AIM AT WORK PROJECTS
THAT WILL ASSIST THE PRISON TOWARD ECONOMIC SELF-
SUFFICIENCY AND IN TRAINING THE PRISONER IN WORK THAT
HE CAN CONTINUE FOLLOWING HIS RELEASE. PRISONER
IS TO BE PAID FOR HIS WORK; FROM HIS PAY A CERTAIN
AMOUNT IS WITHHELD TO PAY FOR HIS SUPPORT, AND OF
REMAINDER 30 PERCENT TO PAY FOR DAMAGES CAUSED BY HIS CRIME,

30 PERCENT TO SUPPORT HIS DEPENDENTS, 30 PERCENT FOR HIS SAVINGS FUNDS, AND 10 PERCENT FOR HIS PERSONAL EXPENSES. (NORMAS MINIMAS, ART. 10) PRISONER IS TO BE GIVEN ONE DAY REDUCED SENTENCE FOR EACH TWO DAYS WORKED IN PRISON, PROVIDED HE MAINTAINS GOOD CONDUCT. (NORMAS MINIMAS, ART. 16).

B. IN PRACTICE, NEW PRISONERS ARE FREQUENTLY ASSIGNED TO DISAGREEABLE, DEGRADING TYPES OF WORK UNTIL THEY ARE WILLING OR ABLE TO BRIBE MAYORES. IN MANY PRISONS, THERE ARE NOT ENOUGH COMMISSIONED JOBS FOR ALL PRISONERS, AND IN ANY CASE, PRISONER WHO BECOMES A DISCIPLINARY PROBLEM UNCLASSIFIED

UNCLASSIFIED

PAGE 02 MEXICO 00416 02 OF 02 131948Z

IS NOT ENTITLED TO COMMISSIONED JOB, OR IS NOT ENTITLED TO HAVE HIS WORK CREDITED FOR REDUCTION OF SENTENCE. SELDOM IS ANY TRAINING PROVIDED AND A PRISONER OFTEN MUST PROVE HE HAS A SKILL BEFORE HE IS ALLOWED A COMMISSIONED JOB. EVEN THEN A BRIBE IS OFTEN NECESSARY.

7. MAYOR SYSTEM: A. NO INMATE MAY EXERCISE FUNCTIONS OF AUTHORITY OR EXERCISE ANY OFFICE OR EMPLOYMENT WITHIN THE ESTABLISHMENT, EXCEPT IN

CASES OF INSTITUTIONS BASED ON A SYSTEM OF SELF-GOVERNMENT. (NORMAS MINIMAS, ART. 10).

B. IN PRACTICE, SOME PRISONS, NOTABLY LECUMBERRI, DEPEND UPON A SYSTEM OF "TRUSTIES" OR "MAYORES" TO MAINTAIN DISCIPLINE, AND ALLOW THE MAYORES TO EXERCISE CONSIDERABLE POWER AND AUTHORITY WITHIN THE PRISON, IN THE ASSIGNMENT OF WORK, ASSIGNMENT OF CELLS, AND ALLOCATION OF PRIVILEGES. THE MAYOR SYSTEM HAS BECOME, AT INSTITUTIONS SUCH AS LECUMBERRI, THE MAJOR SOURCE OF EXTORTION AND MISTREATMENT OF PRISONERS.
JOVA

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW, PRISONERS WELFARE
Control Number: n/a
Copy: SINGLE
Draft Date: 13 JAN 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976MEXICO00416
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760012-0447
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760163/aaaacdmy.tel
Line Count: 212
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION INR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: greeneet
Review Comment: n/a
Review Content Flags:
Review Date: 07 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 JUN 2004 by barnescd>; APPROVED <06 DEC 2004 by greeneet>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PRISON REGULATIONS AND PRACTICES IN MEXICO
TAGS: CASC, SWEL, MX
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006